

12th September 1959]

(3) THE MADRAS IRRIGATION WORKS (CONSTRUCTION OF FIELD BOTHIES) BILL, 1959—*cont.*

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

That the clause by clause consideration of the Madras Irrigation Works (Construction of Field Bothies) Bill, 1959, be postponed.

Sir, We have now to take up the clause by clause consideration of this Bill. We had a discussion both among the members who have given notice of amendments and others who are interested in the Bill. We have now come to the conclusion that the provisions of the Bill will have to be recast. So, in view of that, I request that the further consideration of the Bill may be postponed to the next Session.

The motion was put and carried.

MR. SPEAKER : We shall take it up at the next sitting.

(4) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) BILL, 1959  
(L.A. BILL NO. 20 OF 1959).

THE HON. SRI V. RAMAIAH : Sir, I move—

“ That the concurrence of the Legislative Council be obtained for the setting up of a Joint Select Committee of both the Houses consisting of 27 members (18 members of the Legislative Assembly and nine members of the Legislative Council) to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959), and that the following Members of the Legislative Assembly be selected to serve on such a Joint Select Committee.”

I shall give the names of members at the end, Sir.

I gave an assurance to the House that I would bring in a consolidated Bill to replace the existing Act. I am really sorry that I had again to come up to the House for extending the life of the present Act for six months more till the Consolidated Bill which I am now moving is passed into an Act. While the provisions of the existing Act were examined to find out how best the difficulties in the working of the existing Act could be removed, it was discovered that the volume of work was very large. A great deal of case law that has accumulated had to be gone through and similar Acts in force in other States had to be studied. A thorough examination of all these has taken quite a lot of time. However, I assure the House that we have examined the entire position very carefully and that the Bill which is now being moved will satisfy the larger interests of the community as a whole.

I would now like to enumerate some of the important features of this Bill.

[Sri V. Ramiah]

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The comprehensive Bill contains an important novel feature which is designed to give an incentive to private investors. It has been provided in the Bill that all new buildings, the construction of which is completed after the date of the commencement of the Act, shall be exempt from Accommodation Control. The landlords of these buildings will be at liberty to let them out to tenants of their own choice. I am sure that this provision will be welcomed by prospective house builders and will give a fillip to house building industry.

I have given deep thought and consideration to the question of the abolition of Accommodation Control as such. But having regard to the prevailing housing situation I feel that such a decision will put many persons under great strain and difficulties. I have also examined the question of broadening the scope of Accommodation Control by extending it to quasi-Government servants and others. However I find that such a step will lead to numerous complications and the working of the Act would be extremely difficult. I therefore feel that in this respect the status quo may continue.

The present Act does not contain a provision for taking over a building on a particular rent. The absence of such a provision has enabled some landlords to enhance the rent and to specify very high rent while notifying buildings for the first time. This scares away a number of persons who would otherwise have applied for the buildings. Thus, a number of buildings have been getting released to the landlords for want of applications. The comprehensive Bill seeks to empower the Accommodation Controller to fix a "reasonable rent" and take over the buildings on that rent—of course, subject to the fixation of fair rent by the Rent Controller in due course. I am confident that this provision will operate as an effective check on the tendency to inflate rents. Another difficulty in the existing Act is the absence of a provision enabling the Government to release buildings to the landlords for carrying out repairs or for renovating the buildings—at the same time protecting the interest of the existing tenants. The comprehensive Bill seeks to remedy this difficulty. The provision has been made for handing over buildings to landlords for carrying out extensive repairs or for renovating or reconstructing old buildings. The existing tenants would also have a right to occupy the buildings subject to certain conditions.

The present Act contains a provision under which Government have the power to exempt a building from the provisions of the Act. However, the Government exercise their discretion only in cases where the Government are convinced that the eviction of a tenant fully justified but that the normal remedy of eviction under the Act is not available to landlord. The Government also pay due regard to the several decisions of the High Court on the subject. However, there is no provision in the existing Act for the imposition of any condition in the order of exemption. In the absence of such a provision the Government are not in a position to take any effective



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tive action in case the parties do not act up to their earlier statements. The comprehensive Bill seeks to plug this loophole by empowering the Government to impose conditions in the order of exemption. This will ensure that exemption is granted only in genuine cases of exceptional difficulty which will stand scrutiny.

The comprehensive Bill also contains a number of other smaller amendments which, though they may be comparatively less important, would nevertheless be very useful and would contribute to a smooth administration of the Act.

With these words, I move :

“ That the concurrence of the Legislative Council be obtained for the setting up of a Joint Select Committee of both the Houses consisting of 27 Members (18 Members of the Legislative Assembly and nine Members of the Legislative Council) to consider the Madras Buildings (Lease and Rent Control) Bill, 1959 (L.A. Bill No. 20 of 1959) and that the following Members of the Legislative Assembly be selected to serve on such a Joint Select Committee :

The Hon. Sri V. Ramaiah.

The Hon. Sri M. Bhaktavatsalam.

The Hon. Sri C. Subramaniam.

Sri P. G. Karuthiruman.

Sri T. Sampath.

Srimathi T. N. Anandanayaki.

Sri P. M. Munuswamy Gounder

Sri K. S. G. Haja Sheriff.

Sri S. Sangili.

Sri P. Ramachandran.

Sri C. R. Ramaswami.

Sri K. Vinayakam.

Sri V. K. Ramaswamy Mudaliyar.

Sri M. Jagannathan.

Sri S. Pakkirisami Pillai.

Sri N. K. Palanisami.

Dr. Srimathi Sathiyavanimuthu.

Sri D. S. Authimoolam.

The motion was put and carried.

MR. SPEAKER : The House will now adjourn *sine die*.

The House then adjourned *sine die*.